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EXAMINER

DAVIS, ZACHARY A

ART UNIT PAPER NUMBER

2137

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/771,333

Applicant(s)

CONRATH, BARTLEY C.

Examiner

Zachary A. Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. A response to Notice of Non-Compliant Amendment with amended drawings was received on 15 June 2005. By the amendment received 17 February 2005, Claims 1, 5, 7, 8, 10, 13, 14, 18, 20, and 21 have been amended. No claims have been added or canceled. Claims 1-22 are currently pending in the present application.

Response to Arguments

2. Applicant's arguments filed 17 February 2005 have been fully considered but they are not persuasive.

Claims 1-8, 11, 12, and 14-21 were rejected under 35 U.S.C. 102(a) and (e) as being anticipated by Teng et al, US Patent 5930473, and Claims 9, 10, and 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Teng in view of Dean et al, US Patent 6223292. In reference to independent Claims 1, 14, 20, and 21, Applicant argues that Teng does not disclose a Viewer managed system where the Viewer controls the connection by pausing and restarting the video stream at the Sender, and that Teng instead discloses that intervention by the Mediator node is required. However, the Examiner believes that Teng does indeed disclose a system where the Viewer controls the connection by pausing and restarting the video stream (column 10, lines 36-39, where the video services interface software is on the client). Further, the Examiner notes that the newly added limitation of the Viewer pausing and restarting the

video stream *without intervention by the Mediator node* is not supported in the specification, as detailed below in reference to the objection to the specification and the rejection under 35 U.S.C. 112, first paragraph. Applicant further argues that Teng fails to describe how the server provides the viewer with an address of the sender; however, the Examiner believes that Teng explicitly discloses that the server can provide directory information including addresses that specify what is available to viewer clients (column 13, line 63-column 14, line 3).

Therefore, for the reasons detailed above, the Examiner maintains the rejections as set forth below.

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Independent Claims 1, 14, 20, and 21 have each been amended to recite that the Viewer controls the data transmission by pausing and restarting the transmission "without intervention" by the Mediator node. However, there is no mention in the specification of any control of the transmission "without intervention" of the Mediator node. Claims 5 and 18 have been amended to include the limitation that session information in the repository of the Mediate node includes "session start and end times". There is no mention of in the specification of a "start time" or "end time". Claim 5 has been amended to include the limitation that Viewer control of the

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transmission "includes granularity and frequency of said streaming data". There is no mention whatsoever in the specification of granularity or frequency. See below regarding the rejections under 35 U.S.C. 112, first paragraph.

Claim Objections

4. Claim 1 is objected to because of the following informalities: In line 9, it appears that "direction transmission" is intended to read "direct transmission". Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Independent Claims 1, 14, 20, and 21 have each been amended to recite that the Viewer controls the data transmission by pausing and restarting the transmission

“without intervention” by the Mediator node. However, there is no mention in the specification of any control of the transmission “without intervention” of the Mediator node. Although the specification states that “A fundamental aspect of this architecture is the use of the Mediator node to provide server location storage and access control functionality without the need to transmit data through the Mediator node” (page 8, lines 12-14), this is not equivalent to controlling transmission without intervention of the Mediator node. In fact, although no data is transmitted through the Mediator node, the Mediator node provides storage and functionality and therefore must somehow intervene in controlling functionality of transmission.

Further, Claims 5 and 18 have been amended to include the limitation that session information in the repository of the Mediate node includes “session start and end times”. There is no mention of in the specification of a “start time” or “end time”.

Additionally, Claim 5 has been amended to include the limitation that Viewer control of the transmission “includes granularity and frequency of said streaming data”. There is no mention whatsoever in the specification of granularity or frequency.

Claims not specifically referred to above are rejected due to their dependence on a rejected base claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-8 and 11-21 are rejected under 35 U.S.C. 102(a) and (e) as being anticipated by Teng et al, US Patent 5930473.

In reference to Claim 1, Teng discloses a system for viewer managed point to point data streaming over a network (see Figures 1 and 6), including a Sender node generating streaming data (column 11, lines 19-23); a Viewer node for monitoring and viewing the streaming data (column 11, lines 26-29); and a Mediator node for controlling the direct transmission of the data from the Sender to the Viewer (column 11, lines 23-25) by authenticating the Viewer and Sender (column 12, lines 28-43), locating the Sender address (column 13, line 65-column 14, line 3), negotiating a direct connection between the Sender and Viewer (column 11, lines 26-29), and recording session information in a repository (column 12, lines 28-43). Teng further discloses that the transmission is initiated asynchronously by the Viewer (column 10, lines 36-39; column 12, lines 28-32) and the Sender provides its address to the Mediator node (column 13, lines 63-65).

In reference to Claim 2, Teng further discloses a TCP/IP network (column 11, lines 29-32).

In reference to Claim 3, Teng further discloses streaming multi-media data (column 11, lines 37-39).

In reference to Claim 4, Teng further discloses that the Sender's address is dynamic (column 8, lines 55-62).

In reference to Claim 5, Teng further that the session information in the repository includes addresses for the Sender and Viewer and access control information (column 7, lines 56-64; column 12, lines 28-43; column 13, line 65-column 14, line 3).

In reference to Claim 6, Teng further discloses means for accepting requests from and streaming data to authorized Viewers (column 12, lines 32-44).

In reference to Claim 7, Teng further discloses a plurality of Senders, Viewers, and Mediator nodes (see Figures 1 and 6; column 11, lines 26-29; column 13, lines 28-30; and column 8, lines 3-7).

In reference to Claim 8, Teng further discloses a client operating as a relay (column 4, lines 15-18).

In reference to Claim 11, Teng further discloses generating and transmitting the streaming data in real time (column 7, lines 25-30 and 36-39).

In reference to Claims 12 and 13, Teng further discloses that the Sender is implemented by software (column 10, lines 20-36).

In reference to Claim 14, Teng discloses a method for data streaming including registering Sender information with a Mediator node (column 11, line 66-column 12, line 1), the Mediator authenticating the Sender (column 11, lines 57-61; column 4, lines 23-

26), a Viewer requesting access to the Sender (column 12, lines 30-36), logging and validating the Viewer request (column 12, lines 28-39), transmitting location information to the validated Viewer (column 13, lines 63-67), downloading a video streamer from the Sender to the Viewer (column 13, lines 34-37), and controlling pausing and restarting using the video streamer by the Viewer (column 10, lines 36-39; column 12, lines 28-32).

In reference to Claim 15, Teng further discloses a TCP/IP network (column 11, lines 29-32).

In reference to Claim 16, Teng further discloses streaming multi-media data (column 11, lines 37-39).

In reference to Claim 17, Teng further discloses that the Sender's address is dynamic (column 8, lines 55-62).

In reference to Claim 18, Teng further that session information in a repository includes addresses for the Sender and Viewer and access control information (column 7, lines 56-64; column 12, lines 28-43; column 13, line 65-column 14, line 3).

In reference to Claim 19, Teng further discloses operating a second Sender as a relay (column 4, lines 15-18).

Claim 20 is a system claim corresponding substantially to the method of Claim 14, and is rejected by a similar rationale.

In reference to Claim 21, Teng discloses a system for data streaming including means for transmitting a data stream from a Sender to one or more Viewers (column 11, lines 26-29); means for registering Sender information with a Mediator node (column 11, line 66-column 12, line 1), where the Mediator node includes a repository for monitoring and recording session information (column 12, lines 28-43); means for Viewers to request access to the Sender from the Mediator (column 12, lines 30-36); and means for the Mediator node to provide location information to the Viewers (column 13, lines 63-67). Teng further discloses that transmission is initiated asynchronously by the Viewers (column 10, lines 36-39; column 12, lines 28-32) and the Sender provides its address to the Mediator node (column 13, lines 63-65).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 9, 10, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teng in view of Dean et al, US Patent 6223292.

In reference to Claims 9 and 22, Teng discloses everything as applied above to Claims 7 and 21, respectively. However, Teng does not explicitly disclose that the

Mediator node provides security, nor does Teng disclose the use of encrypted tokens for security.

Dean discloses an authorization system for distribution of streaming media (see Abstract). Specifically in reference to Claim 9, Dean discloses that the media server provides security (the use of passwords, column 5, lines 27-33; content is scrambled, see Abstract). Specifically in reference to Claims 10 and 22, Teng discloses the use of encrypted tokens (column 7, lines 25-27; column 8, lines 48-53).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Teng by including the provision of security by the use of encrypted tokens, in order to prevent access by unauthorized users (see Dean, column 1, lines 36-42).

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary A. Davis whose telephone number is (571) 272-3870. The examiner can normally be reached on weekdays 8:30-6:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Matthew D. Smithers
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Art Unit 2137